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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,001	10/12/2001	Shigeto Oeda	58799-051	8545
7590	06/20/2006		EXAMINER	
McDermott, Will & Emery 600 13th Street, N.W. Washington, DC 20005-3096			AVELLINO, JOSEPH E	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/975,001 Examiner Joseph E. Avellino	OEDA ET AL. Art Unit 2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 November 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3 and 5-18 is/are rejected.  
 7) Claim(s) 4 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 12 October 2001 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)          |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. <u>herewith</u> .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/13/04, 10/12/01</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

### **DETAILED ACTION**

1. Claims 1-18 are presented for examination; claims 1, and 9-13 independent.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2, 5, and 15-18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims recite the limitation "the accuracy setting information" which was cancelled out of claim 1 and therefore lacks antecedent basis. Correction is required.

#### ***Allowable Subject Matter***

4. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Specification***

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, and 5-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nadine (EP 1 032 207) (cited by Applicant in IDS) in view of O'Flaherty et al. (USPN 6,275,824) (hereinafter O'Flaherty).

7. Referring to claim 1, Nadine discloses an information apparatus comprising:  
user-designated information acquiring means for acquiring sequential user-designated information including information regarding selections made by a user (i.e. recording information items representing the screening of transmissions by a user) e.g. abstract; col. 1, ¶ 6-8);  
accuracy setting means for specifying accuracy setting information (i.e. what values will be saved in memory 20), said accuracy setting information including a ratio (i.e. how much and of what information pertaining to the screening) of disclosure of the acquired user designated information to the external device, whereby the user-designated information notifying means is controlled according to the accuracy setting information specified by the user-designated information accuracy setting means (col. 5, ¶ 39) to thereby transmit log information which changes in accordance with time as the notification (i.e. constantly gathered as the stations change) to the external device (i.e. to an operator who can use these data for audience studies) (col. 5, ¶ 39-42).

Nadine does not specifically disclose the log information is restricted according to a ratio of disclosure. In analogous art, O'Flaherty discloses another database management system which discloses restricting information in the database based on a ratio of disclosure (i.e. based on the class of the requesting application, limiting the returned data according to user-defined privacy parameters, thereby creating a subset of the original data table based on what the application is allowed to access) (e.g. abstract; Figure 9; col. 9, lines 25-35). It would be obvious to one of ordinary skill in the art to combine the teachings of O'Flaherty with Nadine in order to protect data from abuse, thereby providing a complete data warehousing system while addressing the privacy concerns of the consumer as supported by O'Flaherty (col. 2, lines 45-50).

8. Referring to claim 2, Nadine discloses the log information is transmitted to the external device together with log accuracy information generated based on the accuracy setting information (i.e. "select information items which will be saved in the memory") (col. 5, ¶ 39-42).

9. Referring to claim 3, Nadine discloses including AV function control means (i.e. controlling the display of information) including a broadcast type contents receiving function (e.g. abstract).

10. Referring to claim 5, Nadine discloses including storing means configured to:

store information, said stored information including part of the log information and the accuracy setting information (i.e. it is inherent that the accuracy setting information must be stored, otherwise the system would be unable to determine what values are to be stored in memory 20) (col. 5, ¶ 39-42), and transmit the stored information to the external device (col. 5, ¶ 39-42).

11. Referring to claim 6, Nadine discloses the user-designated information acquiring means acquires user-designated information from each of the external AV devices respectively having AV function control means (i.e. television receivers), which are independent of the information processing apparatus (e.g. abstract).

12. Referring to claim 7, Nadine discloses the user-designated information acquiring means acquires user-designated information from a home appliance (i.e. a television receiver) independent of the information processing apparatus (e.g. abstract).

13. Referring to claim 8, Douvikas discloses a method for  
(a) receiving contents information, said contents information comprising both contents substantial information (i.e. events table) and contents selection information (i.e. accuracy setting information, labels to be stored) for specifying a method of reproducing at least part of the contents substantial information (i.e. determining what information should be transmitted to the memory), and

(b) reproducing the contents substantial information, is determined according to the contents selection information and the user-designated information (i.e. storing only those values which the user requests to be stored) (col. 5, ¶ 39-42).

14. Claims 9-18 are rejected for similar reasons as stated above. Furthermore O'Flaherty discloses the pseudo user-designated information is replaces the user-designated information according to the ratio of disclosure (i.e. based on the privacy level, the data is encrypted and replaces the clean text of the data) (col. 10, lines 49-57).

***Response to Amendment***

15. The Office has considered the amendment to claim 4. The rejection as being indefinite has been withdrawn.

***Response to Arguments***

16. Applicants arguments pertaining to art rejections have been fully considered but are moot in view of the new grounds of rejection presented above.

***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

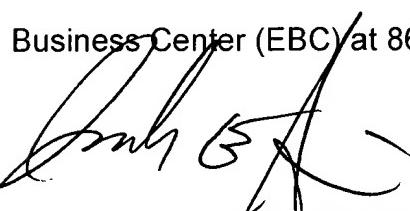
18. Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993). Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly, define the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2143

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joseph E. Avellino, Examiner  
June 13, 2006